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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,137	01/14/2004	Joseph Philipson	HISHE 60959	3832

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EXAMINER
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ZACHARIA, RAMSEY E

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/757,137

Applicant(s)

PHILIPSON, JOSEPH

Examiner

Ramsey Zacharia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 103*

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekon (U.S. Patent 3,983,304) in view of Lewis et al. (U.S. Patent 6,059,867) and Wasel-Nielen et al. (U.S. Patent 4,294,808).

Sekon teaches a fastener having a coating capable of protecting the fastener from corrosion (column 1, lines 9-13). The coating is formed from a volatile solvent mixture containing aluminum, polytetrafluoroethylene, zinc and strontium chromates, and a phenol-formaldehyde resin (column 3, lines 29-39). A fatty amido diamine may be added to the coating (column 4, lines 18-25). The coating is formed by drying and baking the mixture after it has been applied to the fastener (column 4, lines 39-43).

Sekon do not teach the presence of the salt of inorganic constituents and the succinic acid (or the succinic acid and an amine complex of the succinic acid) as recited in claims 1 and 6.

Lewis et al. is directed to a corrosion inhibiting coating for metal surfaces (column 1, lines 12-18). Lewis et al. teach a combination of ingredients designed to replace chromates in traditional corrosion inhibiting coatings (column 6, lines 34-37) since chromates are recognized as toxic and carcinogenic (column 1, lines 41-55). The combination of ingredients include a combination of zinc salt and (2-benzothiazolylthio)succinic acid or its fatty amine salt (column 6,

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lines 51-61). Suitable zinc salts include zinc carbonate, zinc oxide, zinc silicates, and preferably zinc phosphate (column 4, lines 29-41). The (2-benzothiazolylthio)succinic acid or its fatty amine salt is present in an amount of up to 10 vol% and the zinc salt is present in an amount of up to 15 vol% (column 5, lines 49-61). These volume percentages should overlap the claimed weight percentages.

One skilled in the art would be motivated to replace the chromates in the coating of Sekon with the ingredients of Lewis et al. because they are specifically designed to replace toxic and carcinogenic chromates in corrosion inhibiting coatings.

Regarding claim 6, Lewis et al. teach that both (2-benzothiazolylthio)succinic acid and the fatty amine salt of (2-benzothiazolylthio)succinic acid may be used for the same purpose. As such it would be obvious to one skilled in the art to use a combination of the two compounds because it has been held to be *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose. See MPEP 2144.06.

Lewis et al. are silent as to the particle size of their zinc salt.

Wasel-Nielen et al. is directed to phosphorus containing pigments used as substitutes for chromate containing anticorrosive pigments (column 1, lines 5-9). The pigment is preferably zinc phosphate having a particle size of 0.1 to 8  $\mu\text{m}$  (column 2, lines 43-56). Pigments of this size have improved dispersibility and anticorrosive efficiency (column 2, lines 54-56).

One skilled in the art would be motivated to use zinc phosphate having a particle size of 0.1-8  $\mu\text{m}$  because such particles have improved dispersibility and improved anticorrosive efficiency.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Ramsey Zacharia**  
Primary Examiner  
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